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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/662,950   | 09/15/2003  | Harley Kent Heinrich | YO896-0213R5        | 1055             |
| 7590   | 02/23/2006  |                      | EXAMINER            |                  |
| Jack Sherman<br>c/o Legal Department<br>Intermec Technologies Corporation<br>550 2nd Street SE<br>Cedar Rapids, IA 52401 |             |                      | AU, SCOTT D         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2635                |                  |
| DATE MAILED: 02/23/2006  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/662,950 | <b>Applicant(s)</b><br>HEINRICH ET AL. |  |
|                              | <b>Examiner</b><br>Scott Au          | <b>Art Unit</b><br>2635                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The application of Heinrich et al. for a "METHOD AND SYSTEM FOR STORAGE AND RECOVERY OF VITAL INFORMATION ON RADIO FREQUENCY TRANSPONDERS" filed April 14, 2004 has been examined.

Claims 18-37 are pending.

Claims 1-17 are cancelled.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 18-37 are rejected under the judicially created doctrine of double patenting over claims 1-17 of U. S. Patent No. 6,404,325. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are generally broader than the claims in your U.S. Patent No. 6,404,325. See *In re Van Ornum and Stang*, 214, USPQ 761, 766, and 767 (CCPA) (the court sustained an obvious double patenting rejection of generic claims in a continuation application over narrower species claims in an issued patent); *In re*

Vogel, 164 USPQ 619, 622, and 623 (CCPA 1970) (generic application claim specifying “meat” is obvious double patenting of narrow patent claim specifying “port”).

Referring to claim 18 of (Application No. 10,662,950), the corresponding to (US# 6,404,325) claim 1, discloses a method for maintaining information in a Radio Frequency transponder, said information being retained during a period when no power is supplied to said transponder, the method comprising the step of:

A) applying power to said transponder;

B) after removal of the power applied to said transponder, utilizing stored energy from the applied power to retain the information during the period when no power is applied to said transponder;

and furthermore, claim 7 of (US# 6,404,325) (steps b and c) discloses (C ) utilizing the retained information to restore the transponder to a state represented by the retained information when the transponder is again subjected to an external field even after a substantial time with no power from external field.

Referring to claim 19 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 7 (step b). Claim 7 of (US# 6,404,325) d discloses retaining the information for a substantial period of time by after removable of the RF power, and it is obvious the period of time could be at least one second after said RF power said RF tag is removed.

Referring to claim 20 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 5.

Referring to claim 21 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 3.

Referring to claim 22 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claims 2 and 4. Claim 2 of (US# 6,404,325) discloses wherein the information is stored in an auxiliary volatile storage for a substantial time period after removal of power applied to the transponder, and the stored information is transferred to a different section of the transponder when power is again applied to said transponder, and Claim 4 of (US# 6,404,325) discloses further that the energy required to retain information in the auxiliary volatile storage being stored in an auxiliary charge storage device which does not supply energy to the different section of the transponder.

Referring to claim 23 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 5.

Referring to claim 24 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 17 (step c). Claim 17 (step c) of (US# 6,404,325) discloses the power to retain the information in said volatile memory for a time interval, and it is obvious the time interval period can be in plurality of seconds.

Referring to claim 25 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claims 1b, 2 and 6.

Referring to claim 26 of (Application No. 10,662,950), the corresponding to (US# 6,404,325) claim 8, discloses an RF tag comprising:

A) a tag antenna for receiving RF power and modulated RF information signals sent to said RF tag by a base station;

B) a first tag voltage rectification circuit coupled to said tag antenna for receiving said RF power from said tag antenna and for providing power to the electronic components of said RF tag, said electronic components receiving said power only from said first tag voltage rectification circuit;

C) a main memory;

D) a volatile auxiliary memory for storing state information in the absence of a receiver RF power signal; and

E) an auxiliary power capacitor for storing energy while the antenna is receiving RF power, for energizing said volatile auxiliary memory, where said auxiliary power capacitor retains sufficient energy to power said volatile auxiliary memory so as to retain the stored state information and furthermore, claim 7 of (US# 6,404,325) (step b) discloses a substantial period of time and it is obvious the period of time could be at least one second after said RF power said RF tag is removed.

Referring to claim 27 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 9.

Referring to claim 28 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 10.

Referring to claim 29 of (Application No. 10,662,950), the corresponding to (US# 6,404,325) claim 17, discloses a method of effecting a multi-tag identification operation, comprising the steps of:

A) providing RF energy to a plurality of RF tags disposed in a field region thereof to activate at least one of said plurality of RF tags, wherein at least said one RF tag includes a power storage device, and a volatile information retaining device;

B) supplying energy to said power storage device, whereby said power storage device can power said volatile information retaining device for a substantial time interval when said one RF tag is de-activated; and

C) utilizing the power storage device to retain state information comprising information that said one RF tag has been identified; and furthermore

claim 17 of (Application No. 10,662,950) discloses further, determining whether there is sufficient power in said power storage device by utilizing said check device and indicating whether information retained in said information retaining device is valid.

Referring to claim 30 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 7. Claim 7 of (US# 6,404,325) discloses retaining the information for a substantial period of time by after removable of the RF power, it is obvious the period of time is at least one second information is retained by the power stored.

Referring to claim 31 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 5.

Referring to claim 32 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 3.

Referring to claim 33 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claims 2 and 4. Claim 2 of (US# 6,404,325) discloses wherein the information is stored in an auxiliary volatile storage for a substantial time period after removal of power applied to the transponder, and the stored information is transferred to a different section of the transponder when power is again applied to said transponder, and Claim 4 of (US# 6,404,325) discloses further that the energy required to retain information in the auxiliary volatile storage being stored in an auxiliary charge storage device which does not supply energy to the different section of the transponder.



Referring to claim 34 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 5.

Referring to claim 35 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 17. Claim 17 (step c) of (US# 6,404,325) discloses the power to retain the information in said volatile memory for a time interval, and it is obvious the time interval period can be in plurality of seconds.

Referring to claim 36 of (Application No. 10,662,950), the corresponding to (US# 6,404,325) claim 8, discloses an RF tag comprising:

A) a tag antenna for receiving RF power and modulated RF information signals sent to said RF tag by a base station;

B) a tag voltage rectification circuit coupled to said tag antenna for receiving said RF power from said tag antenna and for providing power to the electronic components of said RF tag;

C) a main memory;

D) a volatile auxiliary memory for storing state information upon interruption of the received RF power signal;

E) an volatile auxiliary memory for storing state information upon interruption of the receiving RF power, for energizing said volatile auxiliary memory, where said auxiliary power capacitor retains sufficient energy to power said volatile auxiliary memory so as to retain the

stored state information for a substantial period of time after said RF power to said RF tag is removed; and furthermore,

claim 16 (US# 6,404,325) discloses a circuit for transferring the stored state information from the volatile auxiliary memory to the main memory when RF power is gain received by the tag voltage rectification circuit.

Referring to claim 37 of (Application No. 10,662,950), corresponding to (US# 6,404,325) claim 8 (step e).

### *Conclusion*


Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

SA  
2/6/06

  
BRIAN ZIMMERMAN  
PRIMARY EXAMINER